

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 246**

Introduced By: Johnson, 37; Aguilar, 35; McDonald, 41

Read first time: January 10, 2007

Committee: Judiciary

A BILL

1       FOR AN ACT relating to coroners; to provide requirements for  
2               procurement of anatomical gifts as prescribed; to state  
3               intent; to define terms; and to provide powers and duties.  
4       Be it enacted by the people of the State of Nebraska,

1           Section 1. (1) The Legislature finds and declares that it  
2 is in the public interest to increase the availability of organs and  
3 tissues for medical transplantation. To accomplish this public  
4 purpose, the following constitutes the procedure to facilitate the  
5 recovery of organs and tissues under the jurisdiction of a coroner  
6 within a time period compatible with the preservation of the organ or  
7 tissue for the purpose of transplantation.

8           (2) For purposes of this section:

9           (a) Coroner means a coroner or his or her designated  
10 representative;

11           (b) Donor means a person or decedent within the  
12 jurisdiction of the coroner (i) who is a donor of all or part of his  
13 or her body under section 71-4804, (ii) for whom an anatomical gift  
14 has been made under section 71-4802, or (iii) who is a potential  
15 donor or decedent having any organ or tissue that is compatible for  
16 transplantation; and

17           (c) Preliminary investigation means an inquiry into whether  
18 any organs or tissues are necessary to determine the proximate cause  
19 or means of death.

20           (3) A coroner shall complete a preliminary investigation of  
21 the donor as soon as possible after notification by the hospital in  
22 which such donor is located or the hospital to which such donor is  
23 being transported. The coroner may designate the coroner's physician  
24 or another physician to complete the preliminary investigation. The  
25 following provisions apply to the preliminary investigation:

26           (a) The coroner shall have access to and may request all  
27 necessary information including copies of medical records, laboratory

1 test results, X-rays, and other diagnostic results. The information  
2 shall be provided as expeditiously as possible, through reasonable  
3 means, to permit the investigation to be completed within a time  
4 period compatible with the preservation of the organ or tissue for  
5 the purpose of transplantation;

6 (b) The coroner shall release all requested organs or  
7 tissues for recovery except those that are reasonably believed to  
8 contain evidence of the proximate cause or means of death following  
9 the preliminary investigation;

10 (c) If the coroner fails to complete the preliminary  
11 investigation, or fails to designate the coroner's physician or  
12 another physician to complete the preliminary investigation, within a  
13 time period compatible with the preservation of the organ or tissue  
14 for the purpose of transplantation, or declines to conduct the  
15 preliminary investigation, the organ or tissue shall be recovered as  
16 though the donor was not within the coroner's jurisdiction;

17 (d) If, following the preliminary investigation, the  
18 coroner reasonably believes that a specific organ or tissue will  
19 contain evidence of the proximate cause of means of death, the  
20 coroner or his or her designee shall attend the removal procedure (i)  
21 to make a final determination and allow the recovery of the organ or  
22 tissue to proceed, (ii) to request a biopsy, or (iii) to deny removal  
23 of such organ or tissue if the coroner determines such organ or  
24 tissue contains evidence of the proximate cause or means of death;

25 (e) If recovery of an organ or tissue is denied, the  
26 coroner shall state in a written report the reasons such recovery was  
27 denied and provide the report within ten days to the federally

1 designated organ procurement organization for Nebraska;

2 (f) If the coroner releases any organ or tissue for  
3 recovery, he or she may request that an ante mortem blood sample, a  
4 sample of catheterized urine, a sample of bile if the liver is  
5 recovered for the purpose of transplantation, a biopsy specimen in  
6 fixative of the organ or tissue procured, and copies of any  
7 photographs, pictures, or other diagrams of the organ or tissue made  
8 at the time of recovery be delivered to the coroner at the time of  
9 the transport of the body to the coroner's office; and

10 (g) Any physician or designated recovery personnel  
11 authorized by the federally designated organ procurement organization  
12 for Nebraska to recover any organ or tissue shall provide to the  
13 coroner a report detailing the recovery of such organ or tissue and  
14 any known relationship to the proximate cause or means of death. If  
15 appropriate, such report shall include a biopsy or medically-approved  
16 sample from the recovered organ or tissue, and the results of any  
17 diagnostic testing performed upon the recovered organ or tissue  
18 following recovery. Such report shall become part of the coroner's or  
19 corner's physician's report.

20 (4) A coroner shall have access to medical records,  
21 pathology reports, and the body of the donor following the recovery of  
22 any organ or tissue.

23 (5) Any coroner, corner's representative, coroner's  
24 physician or his or her designee, hospital at which the donation took  
25 place, personnel of such hospital, authorized recovery personnel, or  
26 any other person who acts in good faith in compliance with the  
27 provisions of this section shall be immune from civil or criminal

1 liability for recovery of any organ or tissue.